

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

---

JAMES WILLIAM FORD,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. <u>04-2977-Ma/P</u>
	)	
MICHAEL J. ASTRUE,	)	
	)	
Defendant.	)	
	)	

---

RECOMMENDATION THAT CASE BE DISMISSED WITH PREJUDICE  
FOR FAILURE TO PROSECUTE

---

Before the court by order of reference is plaintiff James William Ford's Social Security Appeal filed December 1, 2004. On April 24, 2008, the Clerk of Court entered a scheduling order directing Ford to file a brief in support of his claims by no later than May 24, 2008. Ford did not file his brief as required by the scheduling order. Therefore, on May 29, 2008, the court entered an Order to Show Cause ordering Ford to file his brief within fifteen (15) days from the date of the order. The court warned Ford that failure to comply with the order "shall result in a recommendation to the District Judge that his case be dismissed with prejudice for failure to prosecute." Ford's brief was due June 13, 2008; however, he did not file a brief in compliance with the show cause order.

In light of Ford's failure to comply with the scheduling order, and the Order to Show Cause, the court recommends that his complaint be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute his claim. See Ortega v. Comm'r of Social Security, No. 00-6094, 2001 WL 266884, at \*1 (2d Cir. Mar. 19, 2001); Von Sutton v. Barnhart, No. 1:05cv1109, 2006 WL 2792410, at \*1 (E.D. Ca. Sept. 27, 2006); Camacho v. Comm'r of Social Security, No. 04Civ.6686, 2006 WL 278399, at \*1 (S.D.N.Y. Feb. 1, 2006).

Respectfully submitted.

s/ Tu M. Pham

---

TU M. PHAM

United States Magistrate Judge

June 16, 2008

---

Date

#### NOTICE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.